

**CLIMATE CHANGE AND EMISSIONS MANAGEMENT ACT**

**BEING CHAPTER C-16.7 R.S.A 2003 (the "Act")**

**COMPLIANCE ORDER NO. CO-2019/01-UAR**

ACCEL Energy Canada Limited  
Livingston PL, South Tower, 1400, 222 – 3<sup>rd</sup> Avenue SW  
Calgary, Alberta  
T2P 0B4

WHEREAS ACCEL Energy Canada Limited ("ACCEL") is the holder of Approval No. 00000347-03-00 under the *Environmental Protection and Enhancement Act* for the Judy Creek Gas Conservation Plant (the "Plant");

WHEREAS the Plant had total regulated emissions of 100,000 tonnes, expressed on a CO<sub>2</sub>e basis, or more in each of the years 2003, 2004, 2005 and 2006, which means the Plant is subject to the Carbon Competitiveness Incentive Regulation (AR 255/2017) (the "Regulation");

WHEREAS the Plant's output-based allocation was 37,051 tonnes, expressed on a CO<sub>2</sub>e basis, for reporting period four of 2018 (the "Reporting Period") under section 5(1) of the Regulation;

WHEREAS on March 29, 2019, ACCEL submitted to Alberta Environment and Parks ("AEP") a compliance report ("Compliance Report") for the Plant for the Reporting Period under section 12(1) of the Regulation;

WHEREAS the Compliance Report indicated the Plant's net emissions for the Reporting Period was 50,838 tonnes, expressed on a CO<sub>2</sub>e basis, which exceeded the Plant's output-based allocation for the Reporting Period by 13,787 tonnes;

WHEREAS the Plant subsequently retired 5,514 emissions performance credits for reporting period four of 2018 leaving an exceedance of the output-based allocation of 8,273 tonnes;

WHEREAS the net emissions for the Plant for the Reporting Period includes fund credits under section 7(1) of the Regulation;

WHEREAS section 10(1) of the *Act* establishes the Climate Change and Emissions Management Fund ("Fund");

WHEREAS the Minister may, by order, establish the amount of money that a person responsible must contribute to the Fund to obtain one fund credit;

WHEREAS under AEP Ministerial Order 58/2017 – Climate Change and Emissions Management Fund Credit Amount Order, a person responsible must contribute \$30.00 to the Fund to obtain one fund credit for 2018 or a subsequent year;

WHEREAS a fund credit represents one tonne of specified gas emissions, expressed on a CO<sub>2</sub>e basis, under section 18(3) of the Regulation;

WHEREAS the total cost for ACCEL to purchase 8,273 fund credits prior to April 1, 2019 at a rate of \$30.00 per fund credit for 2018 would have been \$248,190.00;

WHEREAS the Plant is a “facility” under section 1(1)(q) of the Regulation;

WHEREAS ACCEL is the “person responsible” for the Plant under section 1(1)(aa) of the Regulation;

WHEREAS the Plant first produced a product in the year 1961, which means the Plant is in its 58<sup>th</sup> year of commercial operation under section 1(3) of the Regulation;

WHEREAS the net emissions for a facility for reporting period four of the year shall not exceed the output-based allocation for the facility for reporting period four under section 6(1) of the Regulation;

WHEREAS John Storey-Bishoff, Director, AEP Climate Change Compliance (the “Director”) has been designated as director for the purposes of issuing compliance orders under the *Act*;

AND WHEREAS the Director is of the opinion that ACCEL has contravened section 6(1) of the Regulation;

THEREFORE, I, John Storey-Bishoff, Director, pursuant to sections 29 and 30 of the *Climate Change and Emissions Management Act*, DO HEREBY ORDER THAT:

1. ACCEL shall pay \$248,190.00 to the Government of Alberta to be paid into the Fund on or before December 20<sup>th</sup>, 2019.

DATED at the City of Edmonton, in the Province of Alberta, this 27 day of September 2019.

Digitally signed by  
John.Storey-Bishoff  
Date: 2019.09.27  
12:05:59 -06'00'

John Storey-Bishoff  
Director, Climate Change Compliance

**Section 42 of the *Climate Change and Emissions Management Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal. A copy of section 42 is enclosed. For further information, please contact the Board Secretary at #306 Peace Hills Trust Tower, 10011-109 Street, Edmonton, Alberta, TSJ 3S8; telephone (780) 427-6207; fax (780) 427-4693.**

**Take notice that this compliance order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this or any other provincial or federal legislation**